

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SCOTT CAWTHON, :  
:   
Plaintiff, :  
-against- :  
: 22-CV-  
FUJIANSHENGPUTIANSIHANRENMAOYIYOUXIANGONGSI, : 10950  
: (VEC) :  
:   
Defendant. : ORDER  
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 29, 2022, Plaintiff filed this action against Defendant, *see Am. Compl.*, Dkt. 5;

WHEREAS on January 26, 2023, the Court authorized Plaintiff to serve Defendant, who allegedly resides in China, via email, but ordered that if Defendant did not appear and Plaintiff moved for default judgment, the Court would stay the case pending the Second Circuit's decision in *Smart Study Co., Ltd. v. Acuteye-Us* ("Smart Study"), No. 22-1810 (2d Cir. Aug. 18, 2022) regarding whether serving defendants located in China via email complies with the Hague Convention, *see Order*, Dkt. 11;

WHEREAS on April 27, 2023, Plaintiff moved for default judgment, *see Dkts. 26–28*; and

WHEREAS to date, the Second Circuit has not issued a final decision in *Smart Study*; IT IS HEREBY ORDERED that this case is STAYED pending the Second Circuit's final decision in *Smart Study*. Not later than **10 days** after the Second Circuit issues its decision, Plaintiff must file a status update.

The Clerk of Court is respectfully directed to stay this case.

**SO ORDERED.**

Date: May 1, 2023  
New York, New York

*Valerie Caproni*  
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**VALERIE CAPRONI**  
United States District Judge